

### **Amendments to the Drawings**

The attached eleven (11) sheets of formal drawings replace the original eleven (11) sheets of informal drawings.

The attached sheets of replacement drawings includes changes to FIG. 1. This sheet, which includes FIG. 1, replaces the original sheet including FIG. 1. FIG. 1 has been amended by correcting the spelling of the term "reconstructed" in box 36.

The attached sheets of replacement drawings includes changes to FIG. 3. This sheet, which includes FIG. 3, replaces the original sheet including FIG. 3. FIG. 3 has been amended by adding the term "No" to the arrow from box 80 to box 62. In addition, the spelling of the term "received" has been corrected in boxes 80, 95 and 98.

The attached sheets of replacement drawings includes changes to FIG. 7. This sheet, which includes FIG. 7, replaces the original sheet including FIG. 7. FIG. 7 has been amended by correcting the spelling of the term "received" in box 302.

The attached sheets of replacement drawings includes changes to FIG. 8. This sheet, which includes FIG. 8, replaces the original sheet including FIG. 8. FIG. 8 has been amended by correcting the spelling of terms in the phrase "Block 2 of Stripe n from disk drive 150b".

Attachment: Replacement Sheets

#### REMARKS/ARGUMENTS

Claims 1-50 are in the case.

The applicant has studied the Office Action and has made the changes believed appropriate to place the application in condition for allowance. Reconsideration and reexamination are respectfully requested.

The Examiner has objected to the drawings on the basis that Figure 1 should be labeled "Prior Art." It is respectfully submitted that FIG. 1 as originally filed was so labeled. Nonetheless, replacement formal drawings include FIG. 1 labeled as "Prior Art."

The Examiner has objected to the title. The title has been amended in accordance with the Examiner's kind suggestions. It is therefore respectfully submitted that the objection to the title should be withdrawn.

The Examiner has objected to the disclosure. The disclosure has been amended in accordance with the Examiner's kind suggestions. It is therefore respectfully submitted that the objection to the disclosure should be withdrawn.

The articles referenced in the specification have been submitted herewith in accordance with the Examiner's request.

Claims 16-29 have been rejected under 35 U.S.C. §101 as being directed to nonstatutory subject matter. Claims 16-29 have been amended to clarify that the claims require a device. In that a device is of course tangible, it is respectfully submitted that the rejection of the claims under 35 U.S.C. §101 should be withdrawn.

Claims 1-50 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,151,641 to Herbert. This rejection is respectfully traversed.

For example, claim 1 is directed to a "method, comprising: transferring from a first non-volatile storage unit of a plurality of non-volatile storage units, to a logic engine of a storage processor having a cache memory, a first unit of data stored in a stripe across said plurality of non-volatile storage units, in a first transfer operation which bypasses said cache memory; transferring from a second non-volatile storage unit of said plurality of non-volatile storage units, to said logic engine, a second unit of data stored in said stripe, in a second transfer operation which bypasses said cache memory; and constructing in said logic engine a third unit of data using said first unit of data transferred to said logic engine in said first transfer operation and using said second unit of data transferred to said logic engine in said second transfer operation."

It is the Examiner's position that the Herbert reference teaches these limitations citing col. 8, lines 6-24; and col. 7, line 63 to col. 10, line 62 of the Herbert reference. The applicants respectfully disagree.

It appears that the Examiner's citations to the Herbert reference are directed to data transfers from a host memory system to a local memory 80 (col. 8, lines 25-30). However if data needed in response to a write request is not present in the host memory or local memory, the Herbert reference makes clear that the cache is not bypassed:

[t]he data segment not present in the host memory is read from the disk array, transferred to local memory 80, and is written to the XOR buffer 72. Herbert, col. 10, lines 20 et seq. [emphasis added]

Thus, it is clear that the Examiner's citations to the Herbert reference fail to teach or suggest "transferring from a first non-volatile storage unit of a plurality of non-volatile storage units, to a logic engine of a storage processor having a cache memory, a first unit of data stored in a stripe across said plurality of non-volatile storage units, in a first transfer operation which bypasses said cache memory" as required by claim 1. The Examiner's citations to the Herbert reference similarly fail to teach or suggest other recitations of "transferring from a ... non-volatile storage unit of a plurality of non-volatile storage units, to a logic engine of a storage processor having a cache memory, a ... unit of data stored in a stripe across said plurality of non-volatile storage units, in a ... transfer operation which bypasses said cache memory" as required by the claim 1.

Independent claims 16, 30, and 44 may be distinguished in a similar manner. The rejected dependent claims depend either directly or indirectly from these independent claims. Accordingly, the rejection of these dependent claims is improper for the reasons given above. Moreover, these dependent claims include additional limitations, which in combination with the base and intervening claims from which they depend provide still further grounds of patentability over the cited art.

The Examiner has made various comments concerning the anticipation or obviousness of certain features of the present inventions. Applicants respectfully disagree. Applicants have addressed those comments directly hereinabove or the Examiner's comments are deemed moot in view of the above response.

### Conclusion

For all the above reasons, Applicants submit that the pending claims 1-50 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 50-0585.

The attorney of record invites the Examiner to contact him at (310) 553-7970 if the Examiner believes such contact would advance the prosecution of the case.

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